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VIA EMAIL TO: CHAMBERS_OF_JUDGE_JOEL_H_SLOMSKY@PAED.USCOURTS.GOV

Hon. Joel Slomsky, U.S.D.J.
James A. Byrne U.S. Courthouse
601 Market Street
Room 13614
Philadelphia, PA 19106-1748

**Re: *Shannon Phillips v. Starbucks Corporation d/b/a Starbucks Coffee Company*
Case No. 19-19432**

Dear Judge Slomsky:

We represent Starbucks in the above-referenced matter. Pursuant to Your Honor's January 27, 2021 Third Amended Scheduling Order (ECF 42), the deadline to conduct expert depositions was June 25, 2021, and the deadline to file summary judgment and *Daubert* motions is July 23, 2021. On behalf of Starbucks, I write to respectfully request that the expert deposition deadline be reset to July 15, 2021, that the deadline to file summary judgment and *Daubert* motions be extended by thirty (30) days to August 23, 2021, and that all other subsequent deadlines be correspondingly extended. The reason for Starbucks' request is twofold:

First, as this Court is aware, Plaintiff's motion to compel discovery (ECF 50) is pending, with a hearing on that motion scheduled for next Tuesday, July 13. The parties therefore do not presently know—and will not know until the Court issues a ruling on Plaintiff's motion—whether there is a closed record in this case or if additional discovery will be required. In Starbucks' view, it would be improper to prepare and file summary judgment at a time when the Court has yet to decide whether Starbucks must produce documents that bear on issues material to the motion.

Second, Starbucks needs additional time to prepare its summary judgment motion in light of recent events in the case. Per the Third Amended Scheduling Order, discovery was set to close in this matter on April 30, 2021. (ECF 42.) However, the parties stipulated to extend that deadline to May 26, and then again to June 10, to accommodate additional depositions. (ECF 47, 48.) Notwithstanding those two discovery extensions, the parties did not stipulate to or request an extension of the June 25 expert deposition deadline or July 23 dispositive motion/*Daubert* motion deadline because at that time, both deadlines appeared feasible. However, in the period

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since discovery closed on June 10, multiple events have occurred that have commanded, and are currently commanding, the bulk of Starbucks' attention and resources:

- On the evening of June 10 (the discovery deadline), Plaintiff filed her motion to compel.
- Thereafter, between June 11 and June 24, Starbucks devoted significant time and attention to preparing its 18-page opposition to Plaintiff's motion (ECF 51), which necessarily cut into the time Starbucks could have otherwise spent preparing its summary judgment motion.
- Now, Starbucks is preparing for, and will be attending, the in-person hearing on Plaintiff's motion, scheduled for July 13—a little over one week before Starbucks' summary judgment motion is due.
- At the same time, Starbucks is preparing to depose Plaintiff's economic damages expert witness on July 15, which unfortunately was the only date that the parties and Plaintiff's expert were available to hold this deposition.
- Additionally, if the Court grants or partially grants Plaintiff's motion to compel, Starbucks will need to promptly search for and produce additional documents (including ESI searches), which will take substantial time and effort.

The time and attention required of Starbucks to prepare a dispositive motion in this case is significant. The parties took nine depositions, produced thousands of pages of documents, and the legal theories and defenses are complex. If not for the above developments following the close of discovery, Starbucks would have been able to devote much of June and July to its motion and this request would not be necessary. However, despite Starbucks' best efforts to balance the above obligations with briefing its dispositive motions, Starbucks needs additional time.

Accordingly, Starbucks respectfully requests that the expert deposition deadline be reset to July 15, 2021, that the deadline to file summary judgment and *Daubert* motions be extended by thirty (30) days to August 23, 2021, and that all other subsequent deadlines be correspondingly extended. Starbucks communicated via email with Plaintiff's counsel regarding this request, and Plaintiff's full and complete position is as follows: "The Plaintiff believes that the Defendant's request is premature given the pending Motion to Compel and oral argument on July 13th and would like to raise any open scheduling issues, if appropriate, with the Court on the 13th at the conclusion of argument."

If Your Honor requires any further information, please do not hesitate to contact me. We appreciate the Court's consideration.

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Respectfully submitted,

/s/ Marc D. Esterow

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cc: All Counsel of Record (via email)